

# **EXHIBIT 258**

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

THE STATE OF TEXAS, et al., )  
Plaintiffs, )  
)  
VS. ) Civil Action No.  
) 4:20-cv-00957-SDJ  
GOOGLE LLC, )  
Defendant. )

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9 ORAL AND VIDEOTAPED DEPOSITION OF  
10 ELIN ALM  
11 MAY 2, 2024  
12 (REPORTED REMOTELY)

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ORAL AND VIDEOTAPED DEPOSITION OF ELIN ALM,  
produced as a witness at the instance of the Defendant,  
and duly sworn, was taken in the above-styled and  
numbered cause on May 2, 2024, from 8:02 a.m. to  
10:27 a.m., before Donna Wright, CSR in and for the  
State of Texas, reported by machine shorthand and  
remotely via Zoom, pursuant to the Federal Rules of  
Civil Procedure, the 22nd Emergency Order Regarding the  
COVID-19 State of Disaster, and any stipulations or  
agreements stated on the record or attached hereto.

25	Job No. CS6655501
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A P P E A R A N C E S

FOR THE PLAINTIFF STATES:

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FOR THE DEFENDANT GOOGLE LLC:

Mr. Matthew C. Zorn  
Ms. Ayla S. Syed  
YETTER COLEMAN LLP  
811 Main Street  
Suite 4100  
Houston, Texas 77002  
(713) 632-8070  
mzorn@yettercoleman.com  
asyed@yettercoleman.com

ALSO PRESENT:

Peter Zierlein - Videographer  
Anna Schneider (via Zoom)

1 the state of North Dakota?

2 A. I can't answer that.

3 MR. WILKERSON: Objection, form.

4 THE WITNESS: Sorry.

5 MR. WILKERSON: Go ahead, Elin. You can  
6 answer to the extent you're not dealing with work  
7 product.

8 THE WITNESS: I can't answer that without  
9 disclosing work product.

10 Q. (BY MR. ZORN) So, again, the existence of an  
11 investigation, you're asserting work product to deny  
12 Google an answer to the question as to whether North  
13 Dakota did any investigation?

14 A. You didn't ask me whether we did an  
15 investigation. You didn't ask me whether we did an  
16 investigation into how many North Dakota persons use ad  
17 tech. That's a specific fact. It's not whether we did  
18 an investigation. Of course we did an investigation.

19 Q. Are you -- are you aware of any investigation  
20 that North Dakota conducted in determining how many  
21 North Dakota users use Google's ad tech products?

22 A. Again, that's work product, whether we  
23 conducted a separate investigation into that.

24 And our investigation is into the entire  
25 market, which would include North Dakota users.

1 Q. So is North Dakota's claim in this case that  
2 its citizens have been harmed because there is a  
3 national market for Google's ad tech products among  
4 other ad tech products?

5 A. Yes, Google's legal -- or unlawful conduct  
6 affected a national market. Our players in that market  
7 are affected just like anybody else in any other state.

8 Q. Okay. What -- what is the market that you're  
9 referring to?

10 A. Ad server, ad exchange, and ad tools,  
11 advertising tools.

12 Q. So the market is ad tools, ad servers, and  
13 what else did you mention?

14 A. Ad exchange. Which, again, is defined in our  
15 complaint.

16 Q. So how many hours did you spend preparing for  
17 today's deposition?

18 A. 50 or 60, probably.

19 Q. 60.

20 When did you start preparing for today's  
21 deposition?

22 A. Well, it depends what you mean by "preparing  
23 for" since I'm working the case. But probably as soon  
24 as we got the notice because my deposition was supposed  
25 to be earlier. So I did quite a bit of prep for that.

1 before the completion of the deposition and that the  
2 signature is to be before any notary public and  
3 returned within 30 days from date of receipt of the  
4 transcript. If returned, the attached Changes and  
5 Signature Page contains any changes and the reasons  
6 therefore:

7 \_\_\_\_\_ was not requested by the deponent or a  
8 party before the completion of the deposition.

9 I further certify that I am neither counsel  
10 for, related to, nor employed by any of the parties or  
11 attorneys in the action in which this proceeding was  
12 taken, and further that I am not financially or  
13 otherwise interested in the outcome of the action.

14 Certified to by me on this, the 3rd day of  
15 May, 2024.

16  
17  
18 

19 DONNA WRIGHT, Texas CSR 1971  
20 Expiration Date: 11/30/24  
21 VERITEXT LEGAL SOLUTIONS  
22 300 Throckmorton Street  
23 Ft. Worth, Texas 76102  
24 Firm Registration No. 571  
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